

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA:

V. CR2100066-LMB

TYLER PHAM :

MOTION TO SUBSTITUTE THIRD PARTY CUSTODIAN

TYLER PHAM, by and through counsel, hereby respectfully moves to substitute/switch third party custodians from his sister to his mother so he can move home with his wife and children. The United States has been consulted and defers to the Court and pretrial on this issue.

Please consider the following:

1. Mr. Pham recently turned himself in from Vietnam in order to litigate these allegations.
2. When Pham appeared before the Honorable Ivan D. Davis, pretrial recommended release to one of his sisters, Hoang Pham. Judge Davis also imposed other conditions including pretrial supervision, including surrender of any travel documents, GPS monitoring, drug testing and treatment.

3. Mr. Pham has complied with his conditions and has fully cooperated with his counsel.
4. Tyler is married to Lien Phan who was also prosecuted and received a sentence of six months of home detention. They have been married for 14 years and have two children. Their son is 8 and their daughter is 15.
5. Since Hoang Pham lives in a different residence in Fairfax, Mr. Pham is living apart from his wife and children.
6. The family would like to spend the Holidays together and be together through his April trial date.
7. As a solution to this situation, counsel respectfully submits that Tyler's mom (who lives with Lien) is a suitable third-party custodian. Her name is Vinh Vu.
8. Mrs. Vu acted as third-party custodian for Lien during the pendency of her proceedings. Lien had no issues with her supervision and completed her six months of home detention without issue. Pretrial approved Mrs. Vu as Lien's third-party.
9. Mrs. Vu acted as third-party custodian for Lien for approximately 8 months.

10. Pretrial has been contacted about the instant motion. The only concerns expressed are that Mrs. Vu does have some language barrier and Tyler apparently sent Lien money from Vietnam.
11. However, counsel has consulted with the Pham family and understand that any money sent came after Lien was finished with pretrial and after sentencing. Moreover, Mrs. Vu was not involved in Tyler sending money home to his family.
12. Mrs. Vu was as an approved third-party custodian for Lien for approximately 8 months and there appears to be no valid reason to disqualify her as a third-party custodian. Tyler's younger sister also volunteered though she apparently had a possession of marijuana conviction years ago in state court (though that charge is kind of a nullity now that marijuana is legal).
13. Wherefore, we respectfully request that Mrs. Vu replace Hoang Pham as the third-party custodian so Tyler can move back in with his wife and children. As stated, the government has been consulted and it defers this decision to the court and pretrial. An order is attached.

Tyler Pham
By Counsel

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Certificate of Service

I hereby certify that this motion was filed with the Court's electronic filing system which system will send a notice to the Office of the United States Attorney on this 21st day of December 2021.

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